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**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER  
P0777.70003US00

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

107533430

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP03/12076	30 October 2003 (30.10.2003)	30 October 2002 (30.10.2002)

TITLE OF INVENTION    INHALATION THERAPY DEVICE

APPLICANT(S) FOR DO/EO/US    FEINER, Franz; BORGSCHELLE, Markus; ACHTZEHNHER, Wolfgang; KUNSCHIR, Eduard; LASS Joseph

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information: IPER, PCT Published Application w/Search Report, Copy of PCT Request, PCT/IB/301, PCT/IB/304, PCT/IB/306, PCT/IB/308

Express Mail No:EV493478732US

U.S. APPLICATION NO. (if known, see 37 CFR 1.45) <b>107533430</b>		INTERNATIONAL APPLICATION NO. PCT/EP03/12076		ATTORNEY'S DOCKET NUMBER: P0777.70003US00	
The following fees have been submitted				CALCULATIONS	
21. <input checked="" type="checkbox"/> Basic national fee .....		\$300		\$ 300.00	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) .....		\$100			
All other situations .....		\$200			
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....		\$100		\$ 0.00	
International Search Report prepared and provided to the Office .....		\$400			
All other situations .....		\$500			
<b>TOTAL OF 21, 22 and 23 =</b>				\$ 300.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
27 - 100 =	0 /50 =	0	x \$250.00	0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	15 - 20 =	0	x 50.00	\$ 0.00	
Independent claims	1 - 3 =	0	x 200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 300.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$ 0.00	
<b>SUBTOTAL =</b>				\$ 300.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+ \$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 300.00	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$ 0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 300.00	
				Amount to be refunded:	\$ .
				Amount to be charged:	\$ .
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>300.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>23/2825</u> in the amount of \$ <u>0.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23/2825</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.</b></p> <p><b>SEND ALL CORRESPONDENCE TO:</b></p> <p>Wolf, Greenfield &amp; Sacks, P.C. 600 Atlantic Avenue Boston, Massachusetts 02210-2206 Tel. (617) 646-8000</p> <p><b>CUSTOMER NUMBER:</b> <u>23628</u></p>					
<u>William R. McClellan</u> <b>SIGNATURE:</b> McClellan, William R.					
<b>NAME</b> <u>29,409</u> <b>REGISTRATION NUMBER</b>					

10/533430

JC14 Re: PCT/PTO 29 APR 2005

Express Mail Number: EV 493478732 US  
Date of Deposit: April 29, 2005

Docket No: P0777.70003US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : FEINER, Franz et al.  
Int'l Application No. : PCT/EP03/12076  
Int'l Filing Date : 30 October 2003 (30.10.2003)  
Priority Date : 30 October 2002 (30.10.2002)  
Title : INHALATION THERAPY DEVICE

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Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NON-PAYMENT OF CLAIM FEES**

Sir:

Applicant hereby requests that the claim fees in the above-referenced U. S. National Phase Application not be paid at this time and not charged to our deposit account. Applicant requests entry into the U.S. National Phase by payment of the Basic National Fee only. The claim fees will be paid upon filing a Preliminary Amendment in response to the issuance of a Notice of Missing Requirements.

Respectfully submitted,

*FEINER, Franz, et al., Applicant*

*William R. McClellan*

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William R. McClellan  
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Docket No. P0777.70003US00

Dated: April 29, 2005

X04/30/05